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Attorneys for Gerard Caiafa and
Cyclopiian Music, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GLENN DANZIG

Plaintiff,

vs.

GERALD CAIAFA; CYCLOPIAN
MUSIC, INC., *et al.*

Defendants.

Case No. CV14-2540

REDACTED
**DECLARATION OF GERARD
CAIAFA IN SUPPORT OF MOTION
TO DISMISS FOR LACK OF
PERSONAL JURISDICTION**

Date: July 28, 2014
Time: 9:00 a.m.
Courtroom: 850

[Assigned to Honorable R. Gary
Klausner]

1 I, Gerard Caiafa, hereby declare:

2 1. I am over eighteen (18) years of age, have personal knowledge of the
3 matters set forth herein and am competent to testify hereto.

4 2. I am the President of Cyclopiian Music, Inc. ("Cyclopiian") and in that
5 capacity I ultimately supervise all of Cyclopiian's activities.

6 3. I am also a current member of the MISFITS musical group, performing
7 under the stage name "Jerry Only." Along with Glenn Danzig, I founded the MISFITS
8 in or around 1977. I am the only person to perform in the MISFITS from the group's
9 inception through the present.

10 4. Since 1994, I, through Cyclopiian, have exclusively controlled the
11 MISFITS as an active musical group.

12 5. I founded Cyclopiian to conduct the business activities of the MISFITS.
13 Cyclopiian is a New Jersey corporation with its principal place of business in New
14 Jersey.

15 6. I live and reside in the State of New Jersey.

16 7. I have never owned any real estate in California, nor have I ever leased
17 any property in California.

18 8. Cyclopiian has never owned any real estate in California, nor has it ever
19 leased any property in California.

20 9. I have never paid any income tax to the state of California.

21 10. Cyclopiian has never paid any income tax to the state of California.

22 11. I have never had a bank account in California.

23 12. Cyclopiian has never had a bank account in California.

24 13. I have never maintained an office in California nor have I ever designated
25 an agent for service of process in California.

26 14. Cyclopiian has never maintained an office in California nor has it ever
27 designated an agent for service of process in California.
28

1 15. I have never maintained a driver's license or professional license in
2 California.

3 16. Cycloplan does not have an office or any employees in California and is
4 not registered to do business in California.

5 17. I do not regularly transact business in California.

6 18. Cycloplan does not regularly transact business in California.

7 19. Over the past three years, the MISFITS have performed in California
8 seven times in 2012 and five times 2013, and are scheduled to perform in California
9 five times in November 2014. These 17 live concert performances are a negligible
10 percentage of the hundreds of concerts that the MISFITS have played over this period.
11 Regardless, the claims in this lawsuit do not arise out of any of those concerts in
12 California.

13 20. Cycloplan's corporate records and business documents largely are located
14 in New Jersey.

15 21. Cycloplan does not have any practice, policy, strategy, or goal to uniquely
16 target California residents for the marketing, promotion, or sale of any consumer
17 products, including MISFITS merchandise or music.

18 22. [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]

24 23. [REDACTED]
25 [REDACTED]

26 24. [REDACTED]
27 [REDACTED]
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25. [REDACTED]

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 18th day of June, 2014 in Vernon, New Jersey.


Gerard Caiafa